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THE ADMINISTRATION OF JUSTICE AND THE HUMAN RIGHTS OF DETAINEES

ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION
BASED ON RELIGION AND BELIEF

Written statement submitted by the International Federation of
Human Rights, a non-governmental organization in consultative
status (category II)

The Secretary-General has received the following written statement which
is distributed in accordance with Economic and Social Council
resolution 1296 (XLIV).

[6 August 1993]

Detention of political and religious prisoners in the
Socialist Republic of Viet Nam

1. The International Federation of Human Rights (IFHR) and its affiliate organization, the Vietnam Committee on Human Rights, are deeply concerned that political and religious prisoners continue to be arrested and detained in the Socialist Republic of Vietnam simply on account of their peaceful and legitimate activities, or for the peaceful exercise of their right to express their opinion or religious beliefs.
2. In a statement at the forty-ninth session of the Commission on Human Rights on 3 March 1993, the Vietnamese delegation informed the Commission that "there are no political or religious prisoners in Vietnam. There are only common criminals, who are punished for activities that infringe the law".
3. Whereas the IFHR and the Vietnam Committee recognize the duty of citizens to respect the law, they believe that the imprisonment by the Government of critics and religious leaders as common criminals is based on domestic laws which are clearly incompatible with international human rights legislation and which undermine fundamental civil and political rights. In particular, articles in the 1986 Criminal Code and the 1989 Criminal Procedures Code relative to national security and public order are inconsistent with the rights guaranteed in the International Covenant on Civil and Political Rights (ICCPR) to which Viet Nam acceded in September 1982.
4. The arbitrary detention of political prisoners has been the cause of widespread protests in central and south Viet Nam. Since 30 April 1993, four Buddhists have immolated themselves in protest against the arbitrary arrest of religious clergy and their followers.
5. The IFHR and the Vietnam Committee are particularly concerned by a recent security sweep directed against the Unified Buddhist Church of Viet Nam (UBCV-An Quang pagoda) in May and June 1993, during which 300 UBCV clergy and followers were arrested. This recent wave of arrests follows a pattern of grave and consistent religious intolerance against the UBCV since 1975, as we have regularly informed the Commission and the Sub-Commission in previous years. This escalated into a nationwide campaign of repression after the death of Patriarch Thich Don Hau in April 1992 (see E/CN.4/1992/NGO/27).
6. On 24 May 1993, in Hue, an estimated 40,000 Buddhists took part in a demonstration, demanding the immediate release of Venerable Thich Tri Tuu, Superior Monk of Linh Mu pagoda, and the respect for religious freedom in Viet Nam. According to an eye-witness report from Hue sent to the IFHR and the Vietnam Committee:

"Security police backed up by 200 bo doi (frontier soldiers from the People's Army) used teargas, electric truncheons, clubs and water canons to terrorize and repress the demonstrators (...). Since the demonstration, the State press, radio and television have continually slandered the people of Hue (...). Over the past few days, security police have been systematically arresting people who took part in the demonstration, which they filmed on video. A widespread security sweep

has been launched, and they are indiscriminately arresting both old and young, men and women (...). In Dong Ba market, security agents have arrested stall-keepers, dragging them off in handcuffs in broad daylight."

7. Since the events of 24 May, UBCV pagodas in Thua-Thien-Hue, Quang-Nam-Danang, Quang Tri, Khanh Hoa, Dong Nai and Ba Ria are under constant surveillance. Secret police and security agents surround the pagodas, harassing and interrogating Buddhist followers and preventing monks from circulating freely. Postal communication to these pagodas has been suspended and telephone lines have been cut off.

8. The IFHR and the Vietnam Committee on Human Rights are especially concerned about Venerable Thich Tri Tuu, Thich Hai Tang and Thich Hai Thinh who were arrested on 5 June 1993 along with other UBCV clergy and followers. According to the official daily Saigon Giai Phong (6 June 1993) they are being prosecuted for "disturbing public order" and are under temporary custody in Thua Phu Prison, Hue. As we informed the Commission in February 1993, Venerable Thich Tri Tuu and Venerable Thich Hai Tang have been subject to continuous police harassment since the death of Thich Don Hau (E/CN.4/1992/NGO/27).

9. An "urgent report" from monks in Linh Mu pagoda (11 June) indicates that Thich Tri Tuu was arrested in extremely violent circumstances. The IFHR and the Vietnam Committee believe that the real motives for his arrest were his refusal to denounce the immolation of the Buddhist layman and a letter he addressed to the government authorities on 27 May, in which he called for (i) legal recognition of the UBCV and the restoration of confiscated church property; (ii) the release of all UBCV clergy and followers imprisoned or detained under house arrest; and (iii) respect for religious freedom in Viet Nam. In this case, the arrest of Venerable Thich Tri Tuu violates article 74 of the 1992 Constitution which guarantees the right of everyone to seek a remedy for violated rights.

10. The IFHR and the Vietnam Committee were informed of the unjustifiably violent and arbitrary arrest of Venerable Thich Hai Tang, Superior Monk at Long An pagoda, Quang Tri, in a letter from Buddhists in Quang Tri dated 17 June 1993:

"The Deputy Security of Quang Tri and 20 people in civilian clothes came to the Pagoda at about 4.30 p.m. [on 5 June] and asked to speak to our Master. Suddenly, Special force police wearing camouflage and metal helmets, armed with electric truncheons and rifles burst in. They were led by Le Minh Hue and Tran An Toi from the Quang Tri Provincial Investigations Bureau. They read out an arrest warrant on our Master and made him sign it. Then they forced him to strip off his monk's robes and put on prisoners' clothing (...). Our Master asked to keep his monk's robe, but they flatly refused, saying he was a convict now, not a monk, and that Venerable Thich Hai Tang no longer existed, but only Nguyen Dinh Hoa [his secular name] remained. Our Master asked to speak to a lawyer or a representative of the press (...) but they refused. They handcuffed him and took him away".

11. Venerable Thich Hai Thinh was also stripped of his monk's clothes, handcuffed and taken away by security agents. This contravenes article 66 of the Criminal Procedures Code, which stipulates that no arrest can be made without a written warrant, which must be signed by the arrested party and by witnesses.

12. The arrest of Venerables Thich Tri Tuu, Thich Hai Tang and Thich Hai Thinh not only gravely violates articles 9 and 10 (2) of the ICCPR which guarantee the right to the liberty and security of the person and specify that "all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person," but also contravenes article 5 of the Universal Declaration of Human Rights, which states that "no one shall be subjected to torture, cruel, inhuman or degrading treatment or punishment". Moreover, the IFHR and the Vietnam Committee believe that by taking part in the 24 May demonstration, Venerables Thich Hai Tang and Thich Hai Thinh were simply exercising their legitimate right to the peaceful expression of their opinions and their right to demonstrate as guaranteed by article 69 of the Constitution and article 21 of the ICCPR, which specifies the right of peaceful assembly.

13. The IFHR and Vietnam Committee are deeply concerned that the fundamental principle embodied in article 14 (2) of the ICCPR, that accused persons are presumed innocent until proven guilty, is seriously undermined by defamatory statements regarding Venerables Thich Tri Tuu, Thich Hai Tang and Thich Hai Thinh in the State-controlled media and press. Nhan Dan, Quan Doi Nhan Dan, (31 May 1993) Saigon Giai Phong, Tuoi Tre (1 June 1993) published an interview with the Mayor of Hue, Le Van Anh, under the title "The Truth about the unlawful disturbances of security and public order in Hue". He accused Thich Tri Tuu of spreading "false and malicious information" about the death of the Buddhist in Hue, and called the monks "extremists ... in collusion with bad elements at home and abroad with the aim of violating the law". Footage of the demonstration was shown on State television with similar commentaries. On 10 June, Vu Quang, Chairman of the Board of Religious Affairs, accused the monks of "masterminding" public disorder, and colluding with Venerable Thich Huzen Quang to oppose the State-sponsored Buddhist Church. The IFHR and the Vietnam Committee possess over 60 defamatory articles published in seven official national newspapers between 31 May 1993 and 15 July 1993 under threatening titles such as "We must exterminate people who exploit Buddhism to divide Buddhists and violate the law" (Saigon Giai Phong 10 June 1993), "Punishing troublemakers who destroy the faith and disturb the life" (Conq An, Ho Chi Minh City, 16 June 1993). These articles were reproduced by local newspapers and radios all over the country.

14. The IFHR and the Vietnam Committee are also particularly concerned about the Venerable Thich Huyen Quang, Head of the Unified Buddhist Church of Viet Nam, who has been arbitrarily detained under house arrest at his village in Quang Ngai. The Vietnamese authorities continue to deny that he is under house arrest, but on 15 April, Venerable Thich Huyen Quang sent a letter to the United Nations Secretary-General in which he confirmed he was still confined to his pagoda, under constant police surveillance. He is not allowed freedom of movement. In April this year, police prevented him from travelling to Hue to attend the memorial service of Patriarch Thich Don Hau. If the

authorities consider him to be free, they should give him written notification of his release and restore his full civil rights, including freedom of expression, movement and religion in accordance with the provisions of the Constitution.

15. Another case for concern is that of the Venerable Thich Tri Luc, who is under house arrest in Gia Lam pagoda, Go Vap, Ho Chi Minh City. Arrested in October 1992, security police forced him to write a "confession" denouncing the testament of Patriarch Thich Don Hau. In a letter dated 30 April 1993, he states: "Although I have been released from prison, I am still in detention. The authorities have put me under house arrest."

16. The IFHR and the Vietnam Committee are profoundly disturbed by the systematic repression of the rights to freedom of expression and freedom of conscience in Viet Nam and by the arbitrary arrests of clergy and followers of the Unified Buddhist Church of Viet Nam. We fear, furthermore, that the forthcoming trials of these monks may not conform to accepted international standards, and that they will not be guaranteed their right to a fair trial.
